

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 63-403.1

Specific Purpose:

This section is being amended to permanently restore the California Food Assistance Program (CFAP) eligibility to certain legal noncitizens that entered the United States (U.S.) on or after August 22, 1996.

Factual Basis:

This section is necessary in order to allow certain legal noncitizens that entered the U.S. on or after August 22, 1996 to be eligible for the CFAP indefinitely as provided by Assembly Bill (AB) 429.

Sections 63-403.11 through .5

Specific Purpose:

These sections are being repealed because any legal noncitizen that is not eligible for federal food stamp benefits based solely on their noncitizen status is now eligible for CFAP.

Factual Basis:

AB 429 eliminates the sunset date for the CFAP participation, and allows certain legal noncitizens indefinite access to the CFAP. By eliminating the sunset date, these legal noncitizens that would otherwise be eligible for federal benefits are eligible for the CFAP. The county welfare departments (CWDs) will first check to see if the legal noncitizen is eligible for federal benefits based upon the federal eligibility criteria. If the legal noncitizen is not eligible for federal benefits based solely upon their immigration status, the noncitizen will automatically be eligible for the CFAP, regardless of their date of entry, and for an indefinite period of time. The repealed categorical requirements will no longer be a factor in determining noncitizen eligibility for the CFAP, because the CWDs will only need to check the federal requirements for participation determination. Therefore, these eligibility requirements are no longer necessary nor are they pertinent to this section.

Additionally, Section 63-403.13 is being repealed because Cuban and Haitian entrants, as defined in Section 501(e) of the Refugee Assistance Act of 1980, have been eligible for benefits for some time. However, this section was not previously removed due to an oversight.

Sections 63-403.6 through .8

Specific Purpose/Factual Basis:

These sections are being renumbered to Sections 63-403.2 through .4 to maintain uniformity and consistency within the regulations.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 429 (Chapter 111, Statutes of 2001)

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.